

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**KEBAB GYROS, INC.,**

**Plaintiff,**

**v.**

**SAMUEL RIYAD, *et al.*,**

**Defendants.**

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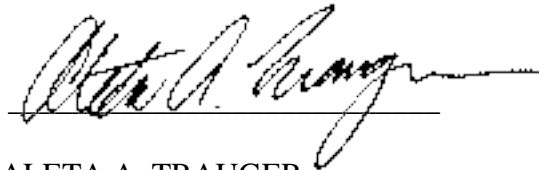
**Case No. 3:09-0061  
Judge Trauger**

**ORDER**

For the reasons discussed in the accompanying Memorandum, defendant Samuel Riyad's Second Motion for Summary Judgment (Docket No. 143) is **GRANTED**, and the plaintiff's Motion to Strike Affidavits of Medhat Khalil and Milad Riyad (Docket No. 164) is **DENIED**. The plaintiff's claims in this case are **DISMISSED**. Samuel Riyad still has counterclaims pending under antitrust law and challenging the validity of the mark at issue in this case. (Docket No. 33.) If, despite his success here, Riyad still wishes to pursue these claims, he should file notice with the court so stating within 20 days of this Order. Otherwise, the court will close the file and dismiss this case in its entirety.

It is so ordered.

Enter this 19th day of April 2011.

A handwritten signature in black ink, appearing to read 'Aleta A. Trauger', written over a horizontal line.

**ALETA A. TRAUGER**  
United States District Judge